HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.21594 OF 2006

Between:

D. Venkatesh

..... Petitioner

AND

The Government of Andhra Pradesh,
Rep. by its Secretary, Municipal Administration,
Hyderabad & others

.....Respondents

:: O R D E R::

Counsel for the Petitioner : Shri Kuna Reddy Anji Reddy

Dated: 18.10.2006

Per G.S.SINGHVI, CJ

The petitioner, who appears to be an activist of Bharatiya Janata Party has, under the colour of public interest litigation, prayed for grant of a declaration that the action of the respondents in not calling tenders for award of contract for execution of sanitation works in three areas of Alwal Municipality and allotting the works to respondent Nos. 4 to 6 continuously for last three years is illegal, arbitrary, violative of tender rules and Article 14 of the Constitution of India.

We have heard Shri Kuna Reddy Anji Reddy, learned counsel for the petitioner and carefully scrutinized the averments contained in the affidavit filed in support of the writ petition. In our opinion, the petitioner is not entitled to any relief under Article 226 of the Constitution of India because he has not approached the Court with clean hands.

A reading of communication dated 08.07.2006 sent by Collector, Ranga Reddy District through the Regional Director, Municipal Administration, Andhra Pradesh shows that on being moved by the petitioner, the officer concerned had made a request for cancellation of the existing tenders and calling for fresh tenders for award of sanitation works in the municipality. However, for the reasons best known to him, the petitioner has withheld facts relating to award of contract of sanitation work to respondent Nos. 4 to 6. He has also omitted to make a mention of the steps taken by the authorities of the Municipal Administration Department in

furtherance of communication sent by Collector, Ranga Reddy District. It is, therefore, reasonable to take the view that the petitioner has deliberately omitted to place full facts before the Court.

During the course of hearing, learned counsel read out some document in Telugu, which reveals that contract of sanitation work was awarded to the female organizations in furtherance of some resolution passed by Alwal Municipality in 2004. In an apparent bid to keep the Court in dark about the contents of the resolution passed by the municipality, the petitioner has deliberately omitted to produce a copy thereof on the record of the writ petition. Thus, the conduct of the petitioner is highly contumacious and he is not entitled to be heard on the merits of his grievance in the matter of the alleged illegal award of contract of sanitation work to respondent Nos. 4 to 6. That apart, without quashing the resolution passed by the municipality, the Court cannot quash the contracts awarded to respondent Nos.4 to 6 for sanitation work.

There is another reason for our disinclination to entertain the writ petition. The petitioner has not impleaded Alwal Municipality as party respondent. The Commissioner of the Municipality who has been impleaded as respondent No.3 is only an officer/functionary of the municipality and not the municipality itself, which has a jural existence and which can sue and be sued in its own name.

In the result, the writ petition is dismissed.

As a sequel to dismissal of the writ petition,

W.P.M.P.No.27390 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

18.10.2006
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